



# City of San Antonio

## Agenda Memorandum

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**Agenda Date:** September 9, 2024

**In Control:** Board of Adjustment Meeting

**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Amin Tohmaz, Interim Department Head

**CASE NUMBER:** BOA-24-10300161

**APPLICANT:** Dye Enterprises

**OWNER:** Belinda Morales

**COUNCIL DISTRICT IMPACTED:** District 7

**LOCATION:** 649 and 701 West Broadview Drive

**LEGAL DESCRIPTION:** South 100 feet of east 150 feet of Lot 19, Block F, NCB 11440 and the northeast 168.3 feet of Lot 20, Block F, NCB 11440

**ZONING:** "R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay Military Lighting Region 2 Airport Hazard Overlay District

**CASE MANAGER:** Vincent Trevino, Senior Planner

**A request for**

A request for a 52' variance from the maximum lot width requirement of 150' to allow a 202' wide lot.

Section 35-310.01 (Table 310-1)

**Executive Summary**

The property is located north of Culebra Road at the intersection of Continental Street and West Broadview Street. The applicant is requesting a 52' variance from the maximum lot width to allow development on a 202' wide lot. The owner is combining two lots to construct a pool and a pool house. An application for a plat will be submitted in the future.

**Code Enforcement History**

No Code Enforcement history found.

**Permit History**

The applicant has not yet applied for the building permit.

**Zoning History**

The property was annexed into the City of San Antonio by Ordinance 18115, dated September 24, 1952, and zoned "A" Single-Family Residence District. Under the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001, the property zoned "A" Single-Family Residence District converted to the current "R-5" Single-Family Residence District.

**Subject Property Zoning/Land Use**

**Existing Zoning**

"R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**Surrounding Property Zoning/ Land Use**

**North**

**Existing Zoning**

"R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**South**

**Existing Zoning**

"R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**East**

**Existing Zoning**

"R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

**West**

**Existing Zoning**

"R-5 MLOD-2 MLR-2 AHOD" Residential Single-Family Lackland Military Lighting Overlay  
Military Lighting Region 2 Airport Hazard Overlay District

**Existing Use**

Single-Family Dwelling

### **Comprehensive Plan Consistency/Neighborhood Association**

The subject property is in the West & Southwest Sector Plan and is designated as “General Urban Tier” in the future land use component of the plan. The subject property is located within the notification area of Culebra Park Neighborhood Association, and they have been notified of the request.

### **Street Classification**

West Broadview is classified as a Local Road.

### **Criteria for Review – Maximum Lot Width Variance**

According to Section 35-482(e) of the UDC, in order for a variance to be granted, the applicant must demonstrate all of the following:

*1. The variance is not contrary to the public interest.*

The public interest is defined as the general health, safety, and welfare of the public. In this case, the public interest is represented by the size of the property, a 52’ variance to allow a lot of width of 202’ will affect the general health, safety, and welfare of the neighbor or surrounding properties as the lot will reduce available residential area and result in a large unproportioned lot width in the area.

*2. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.*

A literal enforcement of the ordinance would not result in unnecessary hardship as the current lot can accommodate the proposed use of a pool and accessory structure. The applicant does have the ability to replat their property further without exceeding the maximum width and leaving sufficient room for an “R-5” lot to the north.

*3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.*

The spirit of the ordinance is defined as the intent of the code, rather than the exact letter of the law. The granting of this variance will not observe the spirit of the ordinance, as it will create an unbalanced frontage in the area.

*4. The variance will not authorize the operation of a use other than those uses specifically authorized in the zoning district in which the variance is located.*

No uses other than those allowed within the district will be allowed with this variance.

*5. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located.*

The width variance will allow a structure to be constructed within the boundaries of a 202' wide lot. This will injure the appropriate use of adjacent properties and alter the essential character of the district as it will not be comparable to other lots in the area.

*6. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.*

Staff finds the plight of the owner of the property for which the variance is sought is not due to unique circumstances existing on the property. The owner is creating the hardship by expanding their plans beyond the maximum street frontage.

#### **Alternative to Applicant's Request**

The alternative to the applicant's request is to conform to the Maximum Lot Width of the UDC Section 35-310.01 (Table 310-1).

#### **Staff Recommendation – Maximum Lot Width Variance**

Staff recommends Denial in BOA-24-10300161 based on the following findings of fact:

1. The applicant does have the ability to replat their property further without exceeding the maximum width and leaving sufficient room for an "R-5" lot to the north.
2. The variance will reduce available residential area and result in a large unproportioned lot width in the area.